REMARKS

Status of the Claims

The Examiner has entered the amendments presented in the paper filed September 5, 2006. See *Advisory Action*, Box 7. Claims 1, 2, 6, 7, 15-17, 20-25, and 28-31 are pending and rejected. See *Advisory Action*, Box 7.

Rejections of the Independent Claims

The Examiner rejected the independent claims contending that "the feature of time shifted-viewing settings may be configured via a user interface" is disclosed in the Logan reference at "column 6, lines 33-34, where it is disclosed that the delay interval during playback operation can be set according to received control commands." *Advisory Action*, 2. The Applicants disagree with the Examiner's assessment. This traversal was noted by the Applicants' representative in the telephonic discussion with the Examiner on September 13, 2006; the Applicants' representative thanks the Examiner for this courtesy telephone conference wherein it was suggested that the Applicants submit further comments in writing.

Logan recites in the claims (which were referenced by the Examiner) a "variable delay interval, the duration of said interval being selectable in response to said control commands." Logan, col. 6, l. 33-35. As an initial matter, the Applicants question exactly what the aforementioned 'variable delay interval' *is* in that this language does not appear in the specification of the Logan reference nor is it a term that the Applicants believe would be readily known to one of skill in the art.

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The Applicants do note, however, that the Abstract of Logan states:

> A broadcast recording and playback device employing a 'circular buffer' which constantly records one or more incoming audio or video program signals and a microprocessor for accessing the memory to read a playback signal from the circular buffer to display programming material **delayed from its receipt by a selectable delay interval.** ... [I]ncoming signals are constantly recorded as received while, at the same time, **delayed signals are being read from the memory subsystem at a** different memory location selected by a microprocessor to provide a user-selected time delay.

If this 'selectable delay interval' is determined to correspond to the 'variable delay interval' referenced by the Examiner in the *Advisory Action*, then Logan appears to disclose that the aforementioned time interval is the time at which recorded program signals are displayed versus the time they are recorded. That is, if a program is recorded at 6.00 but is not played back until 6.15, then the 'variable delay interval' is 15 minutes. The delay in time from recording to playback is *not* equivalent to the Applicants' claimed one or more time shifted-viewing settings that may be configured via a user interface over a network connection.

As was noted by the Applicants in *Amendment D*, this variable delay interval is more akin to playback control in that playback is delayed 15 minutes from when the signal is first received. See *Amendment D*, 7-8. The Applicants, again, contend that 'playback control' differs from the Applicants' claimed 'time-shifted viewing settings.' For example, prior art VCRs provided viewers with "limited control of the viewing" of recorded programs in a manner similar to Logan. *Specification*, 1 (1.1 Broadcast, VCRs). "The user could pause, rewind, fast-forward and stop and re-start viewing at any time after the initial recording was complete." *Specification*, 1 (1.1 Broadcast, VCRs) (emphasis added).

In contrast, embodiments of the Applicants' claimed invention "may be used to automatically set the configuration of the system." *Specification*, 5 (3.11 Network-Controlled Configurability). For example, "the present invention can set parameters such as record timers, video quality settings, channel tuning, and so forth."

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Specification, 5 (3.11 Network-Controlled Configurability). That is, the Applicants claimed invention may control more than simply when the device begins playback of a recorded program as is the case in Logan.

Further, even if the Examiner were to maintain that the 'variable delay interval' is akin to the Applicants' claimed 'time shifted-viewing settings,' there is no suggestion in Logan that such settings are <u>configured via a user interface over a network connection</u>. Returning to the Logan reference as cited by the Examiner, the 'variable delay interval' is controlled by 'a source of control commands' in that, according to Logan, 'the duration of said interval [is] selectable in response to said control commands.' The disclosure of Logan is clear in that the only control command source is infrared remote 13 and, possibly, a connected computer. See Logan, col. 3, l. 28-33.

In either case, however, there is no 'network configuration' over which settings are configured via a 'user interface.' An infrared 'blast' from an IR remote control device cannot be construed as occurring over a network. With regard to a connected computer, such control may only occur through a "direct link to the serial or parallel port of a connected computer." Logan, col. 3, L 32-33. This, too, cannot be construed as a network as the memory subsystem 5 of Logan is integrated with the internal bus of a computer as is detailed at column 3, lines 34-45. As such, the Applicants contend that the Examiner's rejection of claim 1, 6, and 31 is overcome in that the cited art of record fails to disclose, at the least, one or more time shifted-viewing settings being configured via a user interface over a network connection.

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CONCLUSION

The Applicants have overcome the Examiner's 35 U.S.C. § 103(a) rejection in that Logan et al., Mankovitz, and Yuen et al.—either individually or in combination—fail to disclose (at the least) 'one or more time shifted-viewing settings' that may be 'configured via a user interface over a network connection.' For at least this reason, the Applicants contend the application is now in condition for allowance. The Examiner is encouraged to contact the undersigned with any questions concerning the present response or the application in general.

Respectfully submitted,
Richard A. Lang et al.

September 15, 2006   By: *Kenneth M. Kaslow*

Kenneth M. Kaslow (Reg. No. 32,246)
Carr & Ferrell LLP
2200 Geng Road
Palo Alto, CA 94303
T: 650.812.3400
F: 650.812.3444

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